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ABSTRACT

The youth market is a lucrative one, influencing the spending of over $125 billion annually. Increasingly, advertisers are turning to new in-school vehicles, including "wall media" (such as wallboards), tie-in programs, product sample packages and sponsored television programming, to reach students in public high schools. School systems, strapped for cash, find offers from advertising revenue hard to turn down. The most controversial attempt to reach students in schools as consumers has been Channel One, a daily, 12-minute television news program with commericals. Channel One has been strongly attacked by media and educational experts alike for emphasizing product values like having fun and being attractive, especially at a time when schools in general are being unfavorably evaluated for students' lack of performance in basic academics. The regulation of commercial speech appears to have legal precedent and has been supported by the Supreme Court. A telephone poll surveyed every state department of education in the United States in March 1991. The survey revealed that, despite the rising tide of criticism of targeting schools for marketing attempts, only 11 states have adopted system-wide guidelines. Policy statements from these 11 states reveal certain similarities. Forty-four states allow schools to air Channel One. Most states allow local districts to decide how to handle advertising in the schools. Should a state system of schools decide to permit commercial messages to reach students, a variety of methods might be used to maintain curricular integrity, including offering critical thinking instruction concerning media and advertising. (Thirty-eight references are attached.) (HB)

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COMMERCIAL SPEECH AND CAPTIVE MINDS: REGULATING ADVERTISING IN PUBLIC HIGH SCHOOLS

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COMMERCIAL SPEECH AND CAPTIVE MINDS: REGULATING ADVERTISING IN PUBLIC HIGH SCHOOLS

Abstract

The youth market is a lucrative one -- spending, or influencing the spending of over $125 billion annually. Increasingly, advertisers are turning to new in-school vehicles (such as wallboards, tie-in programs, product sample packages and sponsored television programming) to reach students. A telephone survey of state Departments of Education reveals that despite a rising tide of criticism of such marketing attempts, few states have adopted system-wide guidelines. Most allow local districts to decide how to handle advertising in schools. The paper outlines the provisions of those states with formal policies and offers a model policy guideline.

INTRODUCTION

Media clutter and the proliferation of products targeted at the youth market make it difficult to reach young people through traditional media (Iacocca, 1988; Wolfe, 1986). As a result, many major marketers have turned to another avenue for reaching young consumers -- the school. Until fairly recently, the only high school outlets available to advertisers were student newspapers, yearbooks, educational and career magazines or scoreboard sponsorships (Donaton, 1988). Now the student audience may be reached via sophisticated in-school television programming, poster and display boards, school newspaper supplements and a variety of instructional aids.

In-school marketing has stirred a good deal of debate (Barry, 1989; Hollenbert, 1989; and Rudinow, 1989). Advertising messages in the classroom are viewed by many as a perversion of the educational process and a waste of valuable class time. However, advertisers can offer much needed dollars and educational equipment that many budget-strapped schools are finding hard to resist. "In a time when the current Federal budget favors defense over education by a 10 to 1 ratio, and the outlay for textbooks per pupil in many states is $20 annually, few would dispute that America's schools have a serious funding problem. And given the budget deficits, there is little hope for meaningful government help" (Whittle, 1989). With most homeowners less than enthusiastic about paying more taxes, education officials -- with varying degrees of enthusiasm -- have turned to the business community to fill the vacuum left by decreased government support (Peterson, 1990).

With the increasing incidence of in-school advertising and the growing criticism of the practice, the spectre of restricting First Amendment freedoms and the regulation of commercial speech become issues, of course. The temptation to protect school children from the ploys and messages of marketers is great (Barry, 1989; Californian, 1989c; Johnson, 1990; Rudinow, 1989/90; Tate, 1989), and even though certain restrictions and regulations are permissible under existing laws and constitutional interpretations, some fear that educators might go too far in their efforts to limit advertising on school premises (Chase, 1989; Hechler, 1989; Hollenbert, 1989).

This study examines the variety of advertising vehicles utilized by marketers to reach students in schools and explores how Departments of Education in the United States are dealing with such efforts.

THE STUDENT MARKET

Quality Education Data of Denver estimates 12,000 companies and individuals are trying to reach the more than 45 million students enrolled in 102,000 elementary and secondary schools (Peterson, 1990). The push is on because children receive $15.7 billion annually from parents -- about $6.2 billion in allowance and $9.5 billion in spending money -- according to the Nickelodeon/Yankelovich Youth Monitor (Lowy, 1988).

The 34 million high school students in the United States are a particularly appealing market, because with an estimated $64.40 a week in average earnings and allowances to spend, teenagers have become a potent buying force in the eyes of many marketers (Donahue, 1988). It is estimated that the spending power of teenagers amounts to approximately $79 billion a year (Markey, 1989). Clothes are the first item bought by teenage students, followed by cosmetics for girls and entertainment for boys. And advertising messages targeted at teens clearly impact their selections. According to a survey of minors by Yankelovich Clancy Schulman, 25% noted that advertising helped them "a lot" when it came to deciding which clothes, breakfast cereals, fast foods and soft drinks to buy (Lowy, 1988). Purchases by high school students, however, are not limited to low-ticket items. Young people are increasingly becoming consumers of higher-priced goods. At least 86% of teenagers own cameras, 35% own TV sets and 12% own personal computers (Walsh, 1983).

Teenagers also influence family purchases -- to the tune of another $44 billion in sales per year (Donaton, 1988). A poll of 13 - 19 year-olds conducted by Teenage Research Unlimited found that 49 percent participated in the selection of a family car, 69 percent in planning family vacations,

43 percent in picking a television and 16 percent say they were strongly influential in choosing a microwave oven (Williams, 1990). Despite their age, young people are apparently developing a great deal of consumer clout.

STUDENT-ORIENTED ADVERTISING VEHICLES

Targeting students in schools is not an entirely new phenomenon. The appearance of corporate-sponsored materials can be traced back to at least 1915, when American students learned about nutrition from the National Dairy Council (Peterson, 1990). Indeed, a 1929 National Education Association report turned up 82 commercial items in a single New England city classroom (Peterson, 1990).

The methods by which advertisers reach students in schools today are becoming increasingly creative. One relatively new method of targeting students is via "wall media." In 1985, Whittle Communications began distributing "Connections" wall posters to secondary schools, and in 1987 expanded distribution to elementary schools -- where the units are called "The Big Picture" (Marketing News, 1988). Published 14 times per year, each issue is made up of four themed poster boards. Beneath educational messages on a variety of topics appear advertisements. The list of sponsors includes Proctor & Gamble Co., Coca Cola Co. and Levi Strauss & Co. The posters, accompanied by teaching guides, are currently in about 9,000 schools in 40 states. In 1988, "Connections" received an award from the Educational Press Association of America for an issue which focused on the U.S. Constitution.

That same year, American Passage introduced its version of wall media. Called "Gymboards," the boards have three panels. One features an "educational" article, covering a subject like test anxiety. One panel is a blackboard that a coach can use to announce pep rallies and cheerleader practice. The center panel is a display area for national advertisers. A spokesperson for American Passage noted that only 3 percent of the schools which American Passage contacts are opposed to

advertising (Donahue, 1988). The price for reaching high school students via the 2,300 "Gymboards" for a period of two weeks is approximately $60,000 (Donaton, 1988).

Sports & Education Enterprises has launched Campus Communication Centers -- a wall medium designed for display in high school and college lobbies. Each unit contains an electronic moving message board, a four-week calendar, a bulletin board and three national advertisements. A typical buy of 100 locations for one year would be $50,000. The company intends to return a portion of the ad revenues to the schools for student programs (Donaton, 1988).

Students are also targeted via advertising tie-in programs, which can take a variety of forms. Coca-Cola Foods' Minute Maid, for example, publishes a summer-fun guide touting the joys of selling lemonade --Minute Maid's brand, of course. Pepsi distributes a space shuttle poster to science classes that serves as a billboard for the Pepsi logo (Peterson, 1990). Several of these programs have even won praise. Merrill Lynch, for example, created a Scholarship Builder program to inspire inner-city kids to aim for college, and American Express set up a National Academy Foundation to provide job experiences to high school students (Peterson, 1990).

Lifetime Learning System was founded 13 years ago to develop classroom-ready curricula for corporate sponsors. For Centrum Jr. multivitamins, Lifetime created a teaching kit on vitamins and minerals. A company survey showed that 98.6 percent of the teachers involved incorporated the kit into their curriculum (Peterson, 1990). The company's promotional materials tell advertisers "let Lifetime Learning Systems take your message into the classroom, where the young people you want to reach are forming attitudes that will last a lifetime." Over 46 million students from pre-school to college use the Lifetime Learning System programs each year (Peterson, 1990).

Many of the teaching aids donated to schools by businesses contain pitches for those businesses' products. Polaroid's Education Program, which encourages the use of instant photos as a teaching tool, mentions Polaroid in every lesson and assignment. Another example is the "Good

Nutrition" program from Chef Boy-ar-dee that names its products in all its recipes (Langer, 1990).

Product sample packages follow students from kindergarten through high school and into college. Sampling Corp. of America, a company that works with packaged-goods firms wishing to reach students, notes that in 1989 it reached about 70 percent of students aged 6 - 12 and 85 percent of high school students. Research suggests that the kits deliver. More than 92 percent of the packaged goods samples handed out in schools make their way into students' mouths or their parents' homes (Peterson, 1990).

School newspaper supplements are also increasingly seen on campuses. Inside Inc. has launched Inside, a magazine distributed to 400,000 students in 400 schools. A full-color page in the publication costs approximately $16,000 (Donaton, 1988).

CHANNEL ONE

Easily the most controversial attempt to communicate commercial information to students in schools is Channel One, a television news program designed by Whittle Communications of Knoxville, Tennessee. Each 12-minute daily program consists of short news stories and features, plus two minutes of commercials from such sponsors as Gillette, Burger King, Levis, and M&M/Mars (Hollenbert, 1989).

Participating schools receive approximately $50,000 worth of audio-visual equipment -- television monitors, video cassette recorders, and satellite dishes, plus installation and technical assistance -- in exchange for airing Channel One (Hollenbert, 1989). To date, more than 9,600 secondary schools have signed three-year contracts to show the program to their students (Donaton, 1991). This will allow advertisers to communicate with well over seven million teenagers -- the largest captive teenage TV audience ever (Barry, 1989; Reilly, 1989a; Tate, 1989). Whittle Communications hopes to eventually move the network into as many as 15,000 schools and is currently exploring options that include spinning off syndicated TV shows for teens based on

Channel One programming and adding new programs to the existing network. Among the ideas being explored are ad-supported TV shows focusing on careers, high school sports and other student activities (Donaton, 1991).

Channel One's daily dose of two minutes of commercials concerns many critics (Barry, 1989; Hollenbert, 1989; Wollenberg, 1990). Although students viewing the Channel One broadcasts did not appear to pay particular attention to the advertisements and the messages were similar to ones they had seen many times before (Chicago Tribune, 1990; Chase, 1989; Reilly, 1989a), concern has been expressed about the "unwarranted commercial intrusion on captive audience members" (San Diego Union, 1989a; Wollenberg, 1990), teachers and school administrators providing "de-facto" endorsements of commercial products and a loss of educator control over curriculum (Rudinow, 1989; The Californian, 1989). Educators and critics also seemed worried that Channel One might air inappropriate commercials or promote inappropriate values (Barry, 1989; Chase, 1989; Reilly, 1989a; San Diego Union, 1989b).

A content analysis of Channel One commercials examined both product and personal values reflected in the messages (Wulfemeyer and Mueller, 1990). The study revealed that product values communicated in the Channel One ads positioned goods as being worthy of purchase because they are effective, durable or technologically advanced. Advertising content highlighting such features may be perceived as useful in helping students evaluate different products and services. Regarding personal values communicated, the messages stressed having fun, spending time with friends, and being attractive. Values related to maturity, the community or family, on the other hand, received limited attention.

Criticism has been leveled against Channel One by the National Education Association, the American Federation of Teachers, the National PTA, and Action for Children's Television (Consumer Reports, 1989). The executive committee of the National Association of Secondary

School Principles came out against Channel One at its annual convention, but Scott Thompson, executive director, noted that the board wasn't empowered to enforce any recommendation on its 41,000 members and would not seek a vote from the rank and file (Reilly, 1989b).

Surprisingly, even some advertisers have criticized Channel One. "With our schools failing our students in math and science and history and English and literature, do we want the classroom to become the new competitive battleground for our companies?" asks Edward Rensi, president of McDonald's Corp.'s U.S. operations (Johnson, 1990). Burger King, McDonald's chief rival, advertises on Channel One.

Not all educators are opposed to Channel One, though. Several have noted that being forced to view commercials is a small price to pay for the benefits obtained (Hollenbert, 1989). Others have argued that most high school students are mature and sophisticated enough to think critically about commercials aired in classrooms, particularly since they have viewed thousands of similar advertisements (Chicago Tribune, 1990; San Diego Tribune, 1990; Chase, 1989; Reilly, 1989a).

Whittle Communications recognizes that it has a special responsibility to its teenage audience (Development of, 1990). Advertising standards for Channel One state that it is important to present advertising which is truthful and tasteful and not misleading or deceptive. The standards also outline some "proactive" responsibilities for advertisers:

A. Include a balanced representation of individuals from a variety of social, racial, ethnic or gender groups.
B. Provide positive role models for all members of the viewing audience.
C. Include and portray individuals with physical and mental impairments.
D. Place an emphasis on the importance of education and remaining in school.
E. Communicate strong messages against all forms of anti-social behavior, including drug use, violence, prejudice, etc.

REGULATION OF COMMERCIAL SPEECH

The Supreme Court of the United States has ruled that the First Amendment allows for some regulation of advertising (Valentine, 1942). As a result, commercial speech is held to much

stricter standards than non-commercial speech. In Central Hudson Gas & Electric Corp. v. Public Service Commission (1980), the Court developed a four-part test that is currently used to determine when commercial speech is constitutionally protected and when regulation is permissible (Middleton and Chamberlin, 1989).

The first test involves determining if a commercial expression is eligible for First Amendment protection. False, misleading advertisements or advertisements for illegal products and services are not eligible for such protection. The second test deals with determining if the government has a substantial interest in regulating a commercial expression. Such interest might involve protecting the health, safety, welfare and morals of consumers.

If the first two tests are met, the Court then considers if the regulation of advertising advances the cause of the governmental interest asserted. Essentially, since it is assumed that advertising a product or service tends to increase its use, it is relatively easy to demonstrate how the government's interest can be served by banning or restricting advertising. The fourth test deals with determining if the regulation is reasonable. Restrictions must be narrowly drawn and specific rather than vague and too extensive.

Additional support for the regulation of commercial speech, especially that aimed at children, can be found in other cases. The Federal Trade Commission has said that children are "unqualified by age or experience to anticipate or appreciate the possibility that representations may be exaggerated or untrue"
(Ideal, 1964; Stupell, 1965). Courts also have ruled that regulation of commercial expression is permissible as long as the regulation is not based on the content of the expression, but rather on the time, space, place and style of the expression (Baldwin, 1976; Philadelphia, 1974).

RESEARCH QUESTIONS

Clearly, we are currently witnessing an extremely dynamic youth marketplace with a growing

number of advertisers promoting an ever increasing array of products to both children and teenagers. Of particular interest are the new media being used to target students in the schools. A critical question, of course, is who is minding the classroom when it comes to commercial messages and just how are they minding it? Specific questions addressed in this study include:

1. How many states have formal policies and/or guidelines governing advertising permitted in public secondary schools?

2. What is the content of state policies/guidelines governing advertising permitted in public secondary schools?

3. How many states offer courses or units within courses to help secondary school students to evaluate and understand advertising?

METHODS

A census telephone survey of every state department of education in the United States (including the District of Columbia) was conducted in March, 1991. Respondents included public information officers, legal counsels, staff statisticians and representatives for superintendents. In addition, a content analysis of state-supplied curriculum guides, inter-departmental memos and policy statements was conducted.

The 20-question survey instrument used in this study was pretested with journalism educators and secondary school teachers. Some minor revisions in question wording and order were made before administering the questionnaire.

FINDINGS

Only eleven states have formal policies governing advertising in public secondary schools. They are: Alabama, Arkansas, California, Georgia, Indiana, Kentucky, Michigan, New York, Oregon, Pennsylvania and Rhode Island. Policies are all advisory, with autonomy granted to individual schools or school districts. None of the states without formal policies had any plans to

develop system-wide guidelines; however, all indicated that local districts within the state were free to do so.

The policy statements from the eleven states include the following provisions:

1) Commercial promotional activity designed to encourage students to purchase a particular product or service is not permitted on school premises (California, Georgia, Michigan, New York, Oregon, Pennsylvania, and Rhode Island).

2) No "sales activity" is permitted during class time (California).

3) No "contractually obligated" consumption of advertising messages is permitted (California).

4) No commercial messages may be used in the classroom unless they are part of a planned instructional program (Indiana, Kentucky, Oregon).

5) Schools may not permit students to become a "captive audience" for the promotion of commercial products (Alabama, California).

6) The classroom should be a "neutral learning environment" that is free from actual or implied product and service endorsements (Michigan).

7) Time devoted to commercially sponsored messages cannot be counted as instructional time for academic or budgetary purposes (Arkansas, California, Georgia, Indiana, Kentucky, Oregon, Pennsylvania).

8) Programs that contain commercially sponsored messages must be screened prior to the regular school day or during lunch time (Georgia).

Forty-four states and the District of Columbia allow secondary schools to air Channel One, the daily, sponsored television news program produced by Whittle Communications. Many of the states recommend that local districts refrain from entering contractual agreements with Whittle Communications, but they do not prohibit such agreements.

Nine of the states with formal guidelines governing advertising that is permitted in secondary

schools developed their policies specifically in response to Channel One. Most of the policies cover only Channel One; however, two states additionally regulate advertising in wallboards and student publications/broadcast programs. One state also regulates advertising associated with athletic events/facilities.

Eighteen states offer courses designed to help secondary school students evaluate and understand advertising. Thirty-one states offer units within courses to help secondary school students evaluate and understand advertising. Such courses and units are included most commonly in English and language arts curricula, but most of the states also offer such instruction within the social science, consumer education, home economics and business curricula.

DISCUSSION

Young people are assaulted by commercial messages every day. They see approximately 100 television commercials a day (Whittle, 1989), and are exposed to a variety of print media and radio advertisements as well. Teenagers seem to be a particularly attractive target audience because they spend or influence the spending of more than $125 billion per year.

Even the schools have become havens for marketing. Advertisers are using wall media, tie-in programs, teaching aids, product-sample packages, school newspaper supplements and sponsored television programming to reach secondary school students. Most of the efforts are associated with valid educational goals, but that hasn't stopped critics from complaining that schools should not become another marketplace for advertisers to hawk their wares.

Under current constitutional interpretations, reasonable state restrictions placed on commercial speech in schools would appear not to violate First Amendment freedoms. The restrictions discovered in this study are unique to a specific setting and are not based on the content of the speech. In addition, the restrictions are consistent with the four-part test established in the Central Hudson case. State governments have an interest in protecting students from

advertisements in schools, the restrictions advance that interest and they seem to be sufficiently narrow in their scope.

Despite increasing attempts by marketers to reach students in schools, and a rising tide of vocal criticism of such attempts, as well as the legal right to impose restrictions on such attempts, few states have adopted system-wide guidelines to help educators deal with commercial speech in schools. Most leave it up to local districts to decide how to handle advertising directed at students. Based on existing state guidelines and perceptions of educators, parents, students, administrators and critics, the following model policy guideline is offered to assist state departments of education and/or local school districts should they choose to address the issue of advertising in schools in a more formal way:

> Time devoted to viewing, listening to, or reading "contractually obligated," commercially sponsored messages cannot be counted as "instructional time" unless such messages are used as examples in a planned program of instruction designed to help students evaluate, understand and think critically about advertising and its role in society.

Should a state system of schools, a school district or even an individual school decide to permit contractually obligated, commercially sponsored messages to reach students, there are a variety of methods that have been and might be used to maintain curricular integrity. These include:

1) Use examples from the messages to promote discussions and analyses of the techniques, themes and values used by advertisers and help students think critically about such things.

2) Add days to the academic year to compensate for time spent reading, listening to and watching commercial messages.

3) Limit the consumption of commercial messages to before school or during lunch breaks.

4) Add minutes to each school day to compensate for the minutes spent devoted to commercially sponsored messages.

5) Reduce the amount of time devoted to breaks between classes to compensate for the time spent consuming commercial messages.

6) Reduce the amount of time devoted to lunch or "free periods" to compensate for the time spent consuming commercial messages.

It is somewhat encouraging to find that even though few states have formal policies or guidelines governing advertising permitted in public secondary schools, about two-thirds of the states offer courses or units within courses to help secondary school students learn how to think critically about commercial messages. Some argue that students are already reasonably sophisticated consumers of such messages (Advertising Age, 1992). However, systematic, formal instruction can help students evaluate, understand and develop insights about how advertising influences them and their communities -- both inside and outside the school setting.

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